

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

RAOUL MEILLEUR,

Plaintiff,

v.

AT&T CORP., a New York corporation, and
DOES 1 through 20,

Defendants.

NO. 2:11-cv-01025 MJP

**STIPULATED MOTION TO AMEND
THE FINAL APPROVAL ORDER AND
FINAL JUDGMENT**

Noted for Consideration: 3/15/13

Now comes the Plaintiff, Raoul Meilleur (“Meilleur”) and the Defendant AT&T Corp. (“AT&T”), by and through their attorneys, and for their Joint Motion to Amend the Final Approval Order and Final Judgment jointly state as follows:

1. On March 13, 2013, this Court entered a Final Approval Order and Judgment (Dkt. #76) (the “Final Approval Order”) dismissing the above-captioned matter in its entirety.

2. In the Final Approval Order, the Court granted Class Counsel’s request for an award of reasonable Attorneys’ Fees and Costs and awarded fees and costs in the amount of \$758,034.50. This amount represents the hours worked by Class Counsel, as described in the

1 declaration of Rob Williamson and Kim Williams (Dkt. #69) and the declaration of Beth E.
2 Terrell (Dkt. #70), multiplied by a lodestar of 2.2, with the addition of claimed expenses.

3 3. The Settlement Agreement provides that “[i]n no event will the aggregate
4 Attorneys Fees and Costs awarded exceed seven hundred fifty thousand dollars (\$750,000).”
5 (Dkt. 61, Ex. A at Art VII § 1(b)). As defined in the Settlement Agreement, Attorneys Fees
6 and Costs includes “all fees and costs and awarded against AT&T[.]” (*Id.* at Art. II § 2). In
7 accordance with the Settlement Agreement, Plaintiff’s Motion for Award of Attorneys’ Fees
8 and Costs (Dkt. #68) requested a fee and cost award totaling \$750,000, which included
9 Plaintiff’s costs. *See* Dkt. #68 at 16:8-9, 17:10-11.

10 4. The attorneys’ fees and costs awarded by the Court exceed those agreed to in the
11 Parties’ Settlement Agreement and the amount requested in Plaintiff’s Motion for Award of
12 Attorneys’ Fees and Costs by \$8,034.50. Amending the Final Approval Order to award
13 \$750,000 in Attorneys’ Fees and Costs would reflect the Parties’ agreement while still
14 providing Class Counsel with all of their agreed upon expenses.

15 WHEREFORE, the Parties respectfully request that this Court enter an ORDER
16 amending the Final Approval Order at page 7, line 14, replacing the amount of \$758,034.50
17 with the amount of \$750,000. Paragraph ¶ 18 of the Final Approval Order would then read
18 “The Court hereby grants Class Counsel’s request for an award of reasonable Attorneys’ Fees
19 and Costs in the amount of \$750,000. The Court further grants Class Counsel’s application for
20 an Incentive Award for Raoul Meilleur in the amount of \$10,000.”
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1 RESPECTFULLY SUBMITTED AND DATED this 15th day of March, 2013.

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1 CERTIFICATE OF SERVICE

2 I, Kimberlee L. Gunning, hereby certify that on March 15, 2013, I electronically filed
3 the foregoing with the Clerk of the Court using the CM/ECF system which will send
4 notification of such filing to the following:

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